

From: Raymond M. Dallosto
Sent: Monday, September 09, 2019 3:34 PM
To: 'emily.constantine@usdoj.gov'
Subject: krumdick v. borst

Dear Ms. Constantine,

I have been retained to represent Mr. Mark Borst, as he has had to deal with a continuing course of harassment perpetrated by Mr. Todd Dyer, and now through one of his former co-conspirators, Melvin Krumdick. As you are aware, Mr. Borst, along with numerous others, was the victim of a financial investment scheme orchestrated by Mr. Dyer, which resulted in financial losses to Mr. Borst of \$453,417.00.

Mr. Dyer pled guilty to defrauding Mr. Borst and 21 other persons in *United States v. Dyer, et al.*, Case No. 15-CR-115 (E.D. Wis.), and was sent to prison and ordered to pay restitution by U.S. District Judge Stadtmueller. To date, Mr. Dyer has not made any restitution payments on the \$453,417 the court ordered to be paid as restitution to Mr. Borst.

Instead, Mr. Dyer has commenced a campaign of harassment by writing from prison harassing and threatening letters to Mr. Borst. Mr. Borst was and is sincerely concerned and distressed by this pattern of harassment. Mr. Borst passed the correspondence he received on to me, and I wrote several letters to Mr. Dyer, demanding that he cease and desist from contacting, threatening and harassing Mr. Borst. Nonetheless, Mr. Dyer has continued sending harassing correspondence to me and to my attention, meant for Mr. Borst. Mr. Borst advised me that Mr. Krumdick has also has sent him harassing correspondence and demands.

Mr. Borst learned, when he was served in Spring 2019, that a lawsuit had been filed against him at the end of 2018, ostensibly by Mr. Krumdick. That lawsuit was amended and names Mark Borst, his wife and his brother as defendants, and demands payment of millions from them. Mrs. Borst has had no dealings with Mr. Dyer and Mr. Krumdick, nor his brother. Yet they have been named as defendants in a frivolous lawsuit, alleging outlandish, unfounded and scurrilous claims.

Despite my bringing to the attention of the state court that both Mr. Borst and I believe that Mr. Dyer is the true originator of the Krumdick lawsuit, and that Mr. Krumdick is a witting stalking horse for Mr. Dyer, and despite the state court judge telling Mr. Krumdick that Dyer could not appear for Mr. Krumdick or serve as his legal representative, Mr. Dyer continues to do so. Mr. Dyer somehow efiled from federal prison a letter and "exhibits", which I received on September 4, 2019, even though he is not a party to the state court case nor is he allowed to do so pursuant to what the state court judge said at the scheduling conference. I forwarded have forwarded this to your office.

Mr. Dyer continues to insert himself into the Krumdick lawsuit that he thought up, prepared and had filed, naming his willing third party accomplice (Krumdick) as the supposed plaintiff. Mr. Dyer's intentional ignoring of the legal requirements and his abuse and flaunting of the legal process, are very troubling and distressing to Mr. Borst, his wife and brother. The convicted and imprisoned crook, Todd Dyer, who victimized Mark Borst (and numerous others) and was thought by the victims that he should have no contact with his victims, continues to threaten and stalk his victim (Mark Borst) and now his family; and continues to draft and promote the filing of frivolous claims and false legal process. Mr. Borst and his family were compelled to retain legal

counsel in 2019 (me and my law firm) to answer and counter this, at a cost to date of over \$10,000.

I know from talking with my client Mark Borst, that both he, his wife and brother are suffering significant anxiety and emotional distress arising from the continuing harassment of Dyer and his filing the Krumdick lawsuit, his continuing actions therein, and continuing attempts at communication. They are deeply worried as to how much this will cost them to defend bogus claims.

Mrs. Borst has expressed worry and fear to her husband about one of Mr. Dyer's cohorts possibly showing up unannounced at the family home one day, demanding entry and causing harm. Mark Borst, his wife and brother are concerned that if Mr. Dyer is allowed to continue this bogus lawsuit, they will have to spend a significant amount more on attorneys' fees, which they won't be able to ever be repaid, given Mr. Dyer's incarcerated status. Mr. and Mrs. Borst are also concerned that Mr. Borst's business, their personal assets, their home and their good reputation in the community are at risk from Mr. Dyer, which is causing them continuing emotional distress. The credit rating of all three of the named defendants in the Krumdick/Dyer civil lawsuit have also suffered due to the filing of these false allegations.

Mr. Borst and my clients have authorized me to share this information with you, and also authorize you to present such to the court when you seek a protective order. If you need anything further, please contact me.

Ray

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